

Emergency Planning and
Community Right-to-Know
Act of 1986 : EPCRA

Yes, you are affected by EPCRA

Mark McCabe October 15, 2009

Also Known as SARA Title III
of CERCLA

Superfund Amendments and
Reauthorization Act
Back in 1986

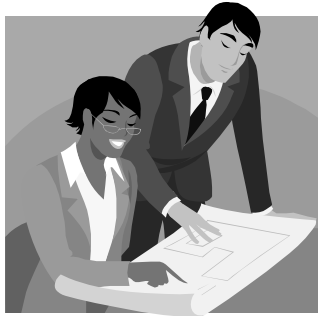
Background

EPCRA was established in 1986
following the disastrous release of
methyl isocyanate in Bhopal India.
Up to 2,000 people died in the
worst industrial accident ever.

So What does EPCRA require?

- Emergency Planning, Sections 301-303
- Emergency release notification Section 304
- Hazardous chemical storage reporting Sections 311-312
- Toxic chemical release inventory Section 313

Emergency Response Plans



Emergency Response Plans EPCRA Section 301

- Establishes the State Emergency Response Commission (SERC) though none in California
- Also Establishes the Local Emergency Planning Committees (LEPC)
 1. Police
 2. Fire
 3. Civil defense
 4. Public Health
 5. Transportation
 6. Environmental professionals

Local Emergency Planning Committee

- **LEPC Region VI:**

PO Box 129261

San Diego, California 92112-9261

Contact Person: NICK VENT

Phone: 619-338-2284

E-mail: nick.vent@sdcounty.ca.gov

Internal LEPC ID number: CA105

- **Last updated on:** 8/28/09

State Emergency Response Commission

- **California State SERC Contact:**

- Henry R. Renteria, Director
California Emergency Management Agency
3650 Schriever Avenue
Mather, CA 95655

Section 302 Community Emergency Response Plan (Area Plan in California)

- 302 has a list of extremely hazardous substance
- Identify facilities and transportation routes for extremely hazardous materials
- Describe emergency response procedures
- Designate a community coordinator
- Describe emergency response equipment and capabilities
- Describe training and emergency response exercises

Section 303

Further defines the requirements for local emergency response plan

304 Release Reporting



Section 304

- Emergency release reporting
- Ca H&SC 25507
- Need to report to the SERC (State OES) and LEPC (the CUPA)
- Immediate reporting requirement. 911 can be used
- Over 1000 substances. RQ 1-5000 lbs. +
- Report to National Response Center if release is large enough (Located at USCG Headquarters)
- Ca H&SC 25507 related to this (SERC and LEPC)

304 Written Notice

- To the USEPA and LEPC
- As soon as possible after the release
- Provide info on actual response actions taken
- Advise regarding medical attention for exposed individuals

311, 312, 313 Disclosure



Sections 311-312

- 311 for facilities that are required to maintain Material Safety Data Sheets (MSDS)
- Current threshold for submitting MSDS is 500 lbs for extremely hazardous materials 10,000 for hazardous materials
- MSDS must be submitted to the SERC, LEPC, and local fire department
- One time submittal

Section 312

- Another reporting requirement.
- Once again for 500 lbs of an extremely hazardous or 10,000 of a hazardous material.
- Reporting is based on a two tiered approach.

Section 312

Tier I requires

1. An estimate of the average daily amount of all chemicals by hazard classification.
2. The general location of hazardous chemicals within the facility.

Section 312

Tier II requires

1. Average daily amount of hazardous materials
2. General location of the hazardous materials
3. Chemical name, an estimate of the maximum quantity on site, storage container information, location at the facility, and whether the location is to be withheld.

Section 312

Sound familiar?

Our Hazardous Materials Business Plan
are based on California Regulations to
comply with Federal Law

Hazardous
Materials
Inventory
Disclosure
Form

COUNTY OF SAN DIEGO
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS INVENTORY
AND BUSINESS PLAN
FOR THE YEAR 2000
FORM 312-1 (01/99)

HAZARDOUS MATERIALS INVENTORY - CHEMICAL DESCRIPTION

FACILITY INFORMATION

1. NAME OF THE FACILITY (Print Name) _____

2. ADDRESS (Print Name) _____

3. CITY (Print Name) _____

4. COUNTY (Print Name) _____

5. ZIP (Print Name) _____

6. PHONE (Print Name) _____

7. FAX (Print Name) _____

8. E-MAIL (Print Name) _____

9. SIC CODE (Print Name) _____

10. NAICS CODE (Print Name) _____

11. HAZARDOUS MATERIALS INVENTORY (Print Name) _____

12. BUSINESS PLAN (Print Name) _____

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100. BUSINESS PLAN (Print Name) _____

Toxic Release Inventory

- Section 313
- Reporting to both State and Federal Authorities (not local) by July 1 each year. The governor establishes which State agency receives this.
- Reporting by SIC or hazardous materials usage
- 650 different chemicals
- Establishes the Toxic Release Inventory

Electronic submittal of EPCRA 313 Data TRI ME



TRI information on the internet

Other EPCRA Provisions Section 322

Trade Secrets

1. No trade secrets allowed under Section 304
2. The information has not been disclosed to other groups other than the LEPC
3. The information is not subject to other State and Federal disclosure laws
4. The disclosure would cause substantial financial harm
5. The chemical identity is not readily discoverable through reverse engineering

EPCRA 323

- Condition: Chemical information must be withheld from the public
- Allows withheld chemical information to be available to health care and local health officials
- Any person can challenge a trade secret claim by petitioning the USEPA

EPCRA 325

- Establishes penalties
- Civil and administrative fines between \$10,000 and \$75,000
- Criminal penalties up to \$50,000 and five years in jail
- Penalties up to \$20,000 for releasing information entitled to a trade secret

Reporting Schedule

- 302 One time to SERC
- 304 When a release exceeds a reportable quantity
- 311 One time to SERC, LEPC, Fire Department with MSDS
- 312 By March 1 annually to SERC, LEPC, and Fire Department
- 313 By July 1 annually to USEPA and State

Resources for more information

- The EPA List of Lists ERCRA Section 304, 313 chemicals, CCA 112(r) Risk Management Plans, and CERCLA release reporting requirements
- EPA web page contains all the forms and information for compliance. Look under Emergency Management
- Toll free: RCRA, Superfund, and EPCRA hotline 1-800 424-9346 9-6 pm EST

Don't Forget the Calls



Penalties for Not Reporting

- LOS ANGELES – The U.S. Environmental Protection Agency has fined a company \$81,400 for ammonia air releases that occurred in 2007 and 2008 at its Torrance and Carson, Calif., carbon dioxide production plants.
- U.S. EPA fines Central California company \$21,086 for ammonia release notification violation
- **SAN FRANCISCO** - The U.S. Environmental Protection Agency today agreed in a settlement of \$23,000 with a company for failing to submit and update federal risk management plans for its anhydrous ammonia process for two of its produce packing facilities in Mendota, Calif.,-- a violation of the nation's Clean Air Act.

Penalties Continued

- U.S. EPA takes action against catalytic coating manufacturer for not providing toxic chemical information needed by first responders, community, company fined nearly \$17,000
- The U.S. Environmental Protection Agency recently fined an industry \$20,280 for failing to immediately notify the proper authorities after an ammonia release at its facility located at 199 Red Top Road in Fairfield, Calif.
- The U.S. Environmental Protection Agency today fined a Lower Lake, Calif., petroleum bulk storage company \$10,000 for allegedly failing to report its toxic chemical inventory, a violation of the Emergency Planning and Community Right-to-Know Act.
- The U.S. Environmental Protection Agency has settled with Fruit Packaged Foods for \$32,500 following alleged violations of the federal Emergency Planning and Community Right-To-Know Act

From October 7, 2009

LOS ANGELES – The U.S. Environmental Protection Agency fined an ice company, \$2,500 for releasing 4,500 pounds of ammonia into the air at its former Artesia, Calif., ice production plant in 2007.

Questions?

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619-336-2453
